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Attorneys for Plaintiff
ORACLE USA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE USA, INC., a Colorado Corporation,

Plaintiff

v.

XL GLOBAL SERVICES, INC., a Delaware
Corporation,

Defendant.

AND RELATED COUNTERCLAIM

Case No.: CV 09-0537 MHP

STIPULATION AND ~~PROPOSED~~ ORDER
GRANTING LEAVE FOR FILING OF FIRST
AMENDED COMPLAINT

IT IS HEREBY STIPULATED, by and between the parties hereto through their
respective undersigned attorneys, that plaintiff Oracle USA, Inc. shall have leave to file a First Amended
Complaint in the form attached as Exhibit 1 to this Stipulation and Order.

In light of this stipulation, the motion for leave to file amended complaint, currently set

for hearing on September 14, 2009, is moot and may be taken off calendar.

SO STIPULATED:

Dated: September 8, 2009

JAMES A. HUGHES
SULLWOLD & HUGHES

By: /S/
JAMES A. HUGHES

Attorneys for
PLAINTIFF ORACLE USA, INC.

Dated: September 8, 2009

SOMMERS & SCHWARTZ LLP

By: /S/
Frank F. Sommers, IV

Attorneys For Defendant and Counterclaimant
XL GLOBAL SERVICES, INC.

Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that the signatories' concurrence in the filing of this document has been obtained.

ORDER

The parties having stipulated and good cause appearing;

IT IS ORDERED that plaintiff Oracle USA, Inc. is granted leave to file the proposed First Amended Complaint. **Defendant's answer to the First Amended Complaint shall be filed on or before October 5, 2009.**

Date: 9/9/2009

